

Ravalli County Planning Department
Neighborhood Plans and Voluntary Zoning District Questions
March 3, 2003

What is the smallest permitted size of, or is there a minimum size for, a Neighborhood Plan (NP)?

There is no minimum size. Typically, part of the early public process is to determine the boundaries of the area in question. This is usually done by talking with the folks interested in creating the plan, meeting with landowners in the area in question to see what their interests and needs are, looking at various maps to figure out where natural topographic boundaries exist, and pulling all that information together to decide where it makes the most sense to establish the planning boundaries.

A Voluntary Zoning District (VZD) is started with a petition; how is a NP started?

It varies by community. Folks who are interested in neighborhood planning come to the Planning Office to express their interest and learn more about neighborhood planning. Depending on Planning Department's work load, staff would start meeting with folks in the area to see how widespread the interest is in neighborhood planning, and whether or not there might be significant barriers to a neighborhood planning process.

With the size of the Ravalli County Planning Department, it not practical to have more than one neighborhood planning process going on at one time. The Department's work plan needs to accommodate staffing and resources to do neighborhood planning. In addition, the governing body will need some sort of system for prioritizing neighborhood plans. For example, Planning has received requests from three different areas in Ravalli County to start neighborhood planning. We know that we cannot do them all at once. The BCC (likely with the advice of staff and the PB/AVFG) would need to help guide the Planning Department to determine which area goes first. This could be done by assessing things like the growth and development pressure an area is experiencing, what level of urgency there is for planning, and community interest and readiness.

Can an agricultural NP be used to ensure that an area continues to be used as agricultural?

A neighborhood plan cannot ensure anything. It can only provide guidelines. It may suggest that a particular area should remain in agricultural use, but it would have to be implemented through a tool, such as zoning, to actually ensure that an area would continue to be used for agriculture.

How can a NP be written for agricultural use with a provision to ensure that the agricultural user could, at some point in the future, change to a nonagricultural use?

Again, a neighborhood plan cannot ensure anything. It can only provide guidance.

There are numerous ways a NP can provide guidance on this topic. Typically, once staff has an idea of what folks are interested in, staff conducts extensive research, and looks for examples of different ways of dealing with a particular issue in other communities that they can borrow or change to suit a particular local situation. This is the type of material that is developed and tested in a public process. It depends on the goals of the planning process and upon what specific circumstances exist in an area. What may work for one neighborhood planning area may not work for another.

Ravalli County Planning Department
Neighborhood Plans and Voluntary Zoning District Questions
March 3, 2003

As an example of what might be considered, there could be a future land use map for a planning area that provides guidance as to what land uses (agricultural and forest lands, residential at different densities, industrial, commercial, etc.) would be appropriate, and where they would be appropriate. The plan could also set criteria for when it would be appropriate for resource lands (agricultural and forest) to transition into other uses. Alternatively, the plan might provide guidance on how development might occur that would have the greatest opportunity for allowing agricultural uses to continue, such as clustering, identifying key attributes of property where development should be avoided, or identifying key attributes of property where additional development is more preferable.

Again, any idea that is developed in a NP will have to be thoroughly tested with folks who own property and live within the planning area.

How would a VZD be written for agricultural use with a provision to ensure that the agricultural user could, at some point in the future, change to a nonagricultural use?

This is a bit trickier. You can use similar information to that included in a neighborhood plan, but it must be more specific and easy to follow as a regulation. The Planning Board, All Valley Focus Group, staff, and ultimately the Commissioners, would likely want to look for examples that have been tested in Montana because interpretation and enforcement of zoning regulations are very difficult if the rules are not made crystal clear.

Ravalli County Planning Department
Neighborhood Plans and Voluntary Zoning Districts
February 28, 2003

This handout highlights some of the key differences between Neighborhood Plans and Voluntary Zoning. Please note that this is simply a general overview.

Neighborhood Plans (NPs)

- NPs are policies - typically they are more detailed than the Growth Policy and focus on a specific area within the county, for example a school district, an unincorporated community, or a neighborhood.
- NPs set forth specific goals, policies and preferred actions for implementation, much like is done in the Growth Policy - again they would be more specific to the area in question.
- NPs are not regulatory nor do they contain regulations, but they can be implemented through regulations such as voluntary zoning districts and subdivision regulations, or by other means.
- NPs can provide guidance on land use by mapping out community preferences for future land use patterns, but they cannot regulate how land is developed. Plus, NPs can cover much more than land use and development designs - they can provide guidance on economic development objectives, preservation of historic resources, infrastructure planning, human services needs, transportation issues, parks and recreation needs, affordable housing issues, natural resources management issues, and much much more.
- There are numerous non-regulatory options that can be utilized to implement NPs, such tools could include additional research on a particular issue, completing and maintaining inventories, public education programs on particular subjects, interjurisdictional coordination efforts, guidance on budget priorities, development of programs and facilities, creating formal bodies for economic development, informal review of development proposals, grant writing committees, etc.
- The process for creating a NP is typically very involved and it may include open houses, community meetings, workshops, presentations, surveys, etc. The folks interested in creating the NP will likely help guide the citizen involvement process. The Board of County Commissioners may decide on some guidelines for planning processes that will be used by the Planning Office. The process used typically depends on the focus and reason for creating a NP. For example, you might do a different process in an area that is primarily focused on how infrastructure will be extended from an incorporated community than one for an unincorporated community that might be interested in guiding how development occurs along a waterway.
- The formal adoption process of a NP will need to, at minimum, meet the same requirements as a Growth Policy: at least one public hearing before the Planning Board and at least two public meetings before the Board of County Commissioners (one for the resolution of intention to adopt and one for the resolution of adoption). When a NP is adopted it will essentially become part of the Growth Policy.

Voluntary Zoning Districts (VZDs)

- VZDs are regulatory - They require that a perimeter of the district be established and that a development pattern for the district be adopted. Unlike standard county zoning, VZDs can be created with or without a Growth Policy in place.

Ravalli County Planning Department
Neighborhood Plans and Voluntary Zoning Districts
February 28, 2003

- VZDs focus on land use and the design and intensity of development through establishment of the development pattern. The development pattern typically addresses items such as types of land uses that are permitted such as industrial, commercial, residential, etc.; density of development by establishing number of dwelling units per acre or minimum lot sizes; and standards that regulate development design such as setbacks, maximum building heights, etc.
- VZDs are regulatory and you can enforce the standards set forth VZD's - For example, if someone builds into a setback or builds an industrial use in a residential area the County can enforce the zoning district standards.
- The development pattern established in a VZD is required to substantially adhere to the Growth Policy (or a NP if one has been adopted for the area), as determined by the Planning and Zoning Commission, subject to the approval of the County Commissioners. This is required under a 1999 Attorney General Opinion (48 Op Attn'y Gen No. 5 can be found at <http://www.doj.state.mt.us/resources/opinions1999/48-005.asp>).
- The process for creating a VZD is typically driven by the folks circulating the petition. The level of involvement of property holders within the district will likely depend on the size of the district, number of property owners within it, the level of detail of the development standards that are proposed and how controversial it is.
- The formal adoption process for a VZD requires review by the Planning and Zoning Commission and adoption by the Board of County Commissioners. There is a protest period for creation of a VZD - if ownership of 50% or more of the land in the proposed VZD protests within 30 days of creation of the district, the BCC cannot create the district. (As you may have noticed, state law is confusing as to the details of the process. James and I are working out some of those details.) The Planning and Zoning Commission is typically set up to review petitioned districts for the entire county.